

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF NORTH CAROLINA**

In Re: David S. McDonald  
Cheryl A. McDonald

Debtor(s)

**Motion and Notice  
Chapter 13**

No: B-06-81234 C-13D

The undersigned Standing Trustee respectfully moves the Court for an order as follows:

On December 13, 2006, the Debtors' plan was confirmed. DaimlerChrysler filed a proof of claim in this case secured by a 2000 Jeep ("the automobile") in the amount of \$7,420.61. The claim of DaimlerChrysler was allowed as secured in the amount of \$7,420.61 with interest at the rate of 9.5% per annum. The Trustee has been advised that the automobile was involved in a collision and declared a total loss.

The Standing Trustee respectfully recommends to the Court that an Order be entered modifying the Debtors' Plan pursuant to 11 U.S.C. §1329 as follows: 1) the remaining secured claim of DaimlerChrysler having a principal balance of \$3,258.01 with interest at the rate of 9.5% from July 31, 2009, be satisfied from insurance proceeds and such proceeds shall be paid by the insurance carrier direct to DaimlerChrysler; 2) upon receipt of the insurance proceeds, DaimlerChrysler shall release its lien on the automobile and forward the certificate of title to the automobile directly to the insurance carrier; 3) in the event that the insurance proceeds exceed the balance of the secured claim, such remaining proceeds shall be paid to the Trustee for application upon the Debtors' plan; 4) in the event that the balance of DaimlerChrysler's secured claim exceeds the amount of insurance proceeds, DaimlerChrysler shall have 90 days from the entry of an Order within which to amend its allowed unsecured claim to reflect the total deficiency and unsecured balance owed, and if no amended claim is timely filed, the secured claim of DaimlerChrysler shall be deemed satisfied from insurance proceeds.

Date: September 3, 2009  
ej

s/Richard M. Hutson, II  
Standing Trustee

**NOTICE**

TAKE NOTICE THAT any interested party who has an objection to the Motion MUST FILE A WRITTEN OBJECTION on or before October 3, 2009, with the parties named on the attached Parties To Be Served list and with the U.S. Bankruptcy Court at the following address:

*101 S. Edgeworth Street  
Greensboro, NC 27401*

If no objections are filed within the time period, the Court will consider this motion without a hearing. If objections are timely filed, a hearing on the motion will be held on October 8, 2009, at 11:00 a.m., in the following location:

*Courtroom, Venable Center  
Dibrell Building – Suite 280  
302 East Pettigrew Street  
Durham, NC 27701*

Date: September 3, 2009

OFFICE OF THE CLERK  
U.S. Bankruptcy Court

**PARTIES TO BE SERVED**

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